

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298



June 14, 2006

Agenda ID # 5743  
Ratesetting

TO: PARTIES OF RECORD IN APPLICATION 04-06-025

This is the draft decision of Administrative Law Judge (ALJ) Wong. It will not appear on the Commission's agenda for at least 30 days after the date it is mailed. The Commission may act then, or it may postpone action until later.

When the Commission acts on the draft decision, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Parties to the proceeding may file comments on the draft decision as provided in Article 19 of the Commission's "Rules of Practice and Procedure," accessible on the Commission's website at <http://www.cpuc.ca.gov>. Pursuant to Rule 77.3 opening comments shall not exceed 15 pages.

Comments must be filed with the Commission's Docket Office. Comments should be served on parties to this proceeding in accordance with Rules 2.3 and 2.3.1. Electronic copies of comments should be sent to ALJ Wong at [jsw@cpuc.ca.gov](mailto:jsw@cpuc.ca.gov). All parties must serve hard copies on the ALJ and the assigned Commissioner, and for that purpose I suggest hand delivery, overnight mail or other expeditious methods of service. The current service list for this proceeding is available on the Commission's website, [www.cpuc.ca.gov](http://www.cpuc.ca.gov).

/S/ ANGELA K. MINKIN  
Angela K. Minkin, Chief  
Administrative Law Judge

ANG:avs

Attachment

Decision **DRAFT DECISION OF ALJ WONG** (Mailed 6/14/2006)

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of Southern California Gas Company (U 904 G) Regarding Year 10 (2003-2004) of Its Gas Cost Incentive Mechanism.

Application 04-06-025  
(Filed June 15, 2004)

**OPINION CLOSING PROCEEDING**

**Closing of Proceeding**

Decision (D.) 05-04-003 addressed the Year 10 Gas Cost Incentive Mechanism (GCIM) application filed by Southern California Gas Company (SoCalGas). In that decision, the Commission found that SoCalGas' calculation of its shareholder award under the GCIM was correct and awarded \$2.4 million to SoCalGas. Due to the ongoing activities in the Order Instituting Investigation (I.) 02-11-040, that award is subject to refund or adjustment as may be determined by us in I.02-11-040.

D.05-04-003 kept this proceeding open to address any request for compensation that might be filed by The Utility Reform Network (TURN) in connection with this proceeding.

In the April 21, 2005 ruling of the administrative law judge (ALJ), TURN was ruled eligible to file a claim for an award of compensation in this proceeding. The ruling recognized the consultation process established in D.04-09-022. That consultation process consists of discussions between SoCalGas, TURN, and the Division of Ratepayer Advocates regarding SoCalGas' interstate natural gas capacity commitments, which may affect the GCIM. The

ruling quoted from TURN's February 2, 2005 notice of intent that it intends to recover its costs for participating in the consultation process, and would seek recovery of any costs that might be incurred regarding the Year 10 GCIM.

D.05-04-003 was adopted by the Commission on April 7, 2005, and mailed to the parties the following day. Pub. Util. Code § 1804(c) requires that a request for intervenor compensation be filed within 60 days of the date of issuance of a final decision. TURN has not filed a request for an award of intervenor compensation for work that it may have undertaken in connection with this proceeding.

Since the time for filing a request for an award for intervenor compensation has passed without the filing of such a request, this proceeding should be closed because there are no other issues that need to be resolved.

### **Comments on Draft Decision**

The draft decision of the ALJ in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(g)(1) and Rule 77.7 of the Rules of Practice and Procedure. Comments were filed on \_\_\_\_\_, and reply comments were filed on \_\_\_\_\_.

### **Assignment of Proceeding**

Michael R. Peevey is the assigned Commissioner, and John S. Wong is the assigned ALJ in this proceeding.

### **Findings of Fact**

1. D.05-04-003 kept this proceeding open to address any request for compensation that might be filed by TURN.
2. TURN was ruled eligible in the April 21, 2005 ruling to file a claim for an award of compensation in this proceeding.

**Conclusions of Law**

1. TURN has not filed a request for an award of compensation in this proceeding within the time required.
2. This proceeding should be closed because there are no other issues that need to be resolved.

**O R D E R**

**IT IS ORDERED** that as there are no other issues to be resolved, Application 04-06-025 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

### INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the copy of the filed document is current as of today's date.

Dated June 14, 2006, at San Francisco, California.

/S/ ANTONINA V. SWANSEN  
Antonina V. Swansen

\*\*\*\*\* SERVICE LIST \*\*\*\*\*

Last Update on 13-JUN-2006 by: LIL  
A0406025 NOPOST

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